

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>MARY F. BARNETT,</b>	:	<b>CIVIL ACTION</b>
<b>Plaintiff</b>	:	
	:	
<b>vs.</b>	:	<b>NO. 14-2414</b>
	:	
<b>THE SCHOOL DISTRICT OF</b>	:	
<b>LANCASTER, et al.,</b>	:	
<b>Defendants</b>	:	

**ORDER**

**AND NOW**, this 24th day of March, 2015, upon consideration of the defendants' motion to dismiss (Document #7), and the plaintiff's response thereto (Document #12), **IT IS HEREBY ORDERED** that the motion is **GRANTED** in part, and **DENIED** in part.

**IT IS FURTHER ORDERED** that:

1. As to Count One, the motion is granted in part and denied in part as follows:
  - (a) The equal protection claim is **DISMISSED**;
  - (b) The due process claim shall remain;
  - (c) The § 1983 conspiracy claim is **DISMISSED**;
  - (d) Defendant School District is **DISMISSED** from Count One.
2. The motion to dismiss Count Two is **DENIED** in its entirety.
3. Count Three is **DISMISSED** in its entirety.
4. The motion to dismiss Count Four is **DENIED** in its entirety.
5. The motion to dismiss Count Five is **DENIED** in its entirety.
6. As to Count Six, the motion is granted in part and denied in part as follows:

- (a) Defendant Holman is DISMISSED as a defendant in Count Six;
- (b) Defendant Butterfield in his official capacity is DISMISSED;
- (c) The motion to dismiss Defendant Butterfield in his individual capacity is DENIED;

7. Count Seven is DISMISSED in its entirety.

BY THE COURT:

/s/ Lawrence F. Stengel  
LAWRENCE F. STENGEL, J.